

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DELBERT J. SMITH,

Plaintiff,

v.

KATHLEEN ALLISON, et al.,

Defendants.

No. 2:22-cv-0306 KJM AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, originally filed this action in the Sacramento County Superior Court. ECF No. 1. Defendants removed the case and this matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 6, 2022, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. ECF No. 13. Neither party has filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court

1 . . .”). Having reviewed the file, the court finds the findings and recommendations to be  
2 supported by the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed June 6, 2022 (ECF No. 13), are adopted in  
5 full.
- 6 2. This court declines to extend supplemental jurisdiction over plaintiff’s state law claims  
7 and the motion to remand this action to state court (ECF No. 12) is granted.
- 8 3. This matter is remanded to the Sacramento County Superior Court.
- 9 4. The Clerk of the Court is directed to mail a certified copy of the order of remand to the  
10 Clerk of the Sacramento County Superior Court and close this case.

11 DATED: October 26, 2022.

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14 CHIEF UNITED STATES DISTRICT JUDGE  
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